

DATE: JULY 22, 2004

TO: INTERESTED PARTIES

RE: NEW 130 – AUTO FERRIES
DESIGN AND BUILD CONTRACT NO. 00-6674

ADDENDUM NO. 9

This is to inform you of the following updates and changes to the Request for Proposals (RFP) for the above-referenced project:

PHASE I PREQUALIFICATION
RFP Volume I A

Attached hereto and incorporated herein are revisions to the RFP Schedule and Introduction documents.

All other terms and conditions remain unchanged. All qualified proposers will be required to acknowledge receipt of this Addendum on the Bid Form. All Addenda will become a part of the Contract.

Sincerely,

Tim McGuigan
Director of Legal Services and Contracts

Attachment

ATTACHMENT TO ADDENDUM NO. 9

PHASE I PREQUALIFICATION RFP Volume I A

RFP SCHEDULE Part 1

WSF advises proposers that the Due Date For Receipt of Standard Prequalification Information and Letters of Commitment For Contract Security is postponed for approximately one or two weeks. WSF will advise all proposers of the revised Due Date in an upcoming RFP Addendum.

INTRODUCTION Part 2

CONFLICT OF INTEREST Section 13 (Per RFP Addendum No. 8)

Page 7, line 17. WSF provided a new Section 13 in RFP Addendum No. 8. WSF now desires to clarify the point in time when an apparent and/or perceived conflict of interest may arise. The revision will allow a firm to continue participation in both project RFPs until such time that it may be awarded the Propulsion System Contract (the first of the two project Contracts to be awarded). Accordingly, the final paragraph of Section 13 is revised per the underlined text below (underlined herein for identification purposes only). For continuity of subject, the entire Section 13 text is restated below, revised to read as follows:

“13. CONFLICT OF INTEREST

WSF has issued two (2) Requests For Proposals (RFPs) for the following components of the New 130 – Auto Ferries project: (i) the RFP for the New 130-Auto Ferries Propulsion System Contract No. 00-6679 (“Propulsion RFP”); and (ii) the RFP for the New 130-Auto Ferries Design and Build Contract No. 00-6674 (“Vessel RFP”). Both RFPs are currently in progress, simultaneously. The propulsion system procured pursuant to the Propulsion RFP will be used in each of the four (4) new vessels being designed and built pursuant to the Vessel RFP.

Due to the timing and nature of the design and build format for the Vessel RFP, it will be necessary for the propulsion system contractor to interface directly with WSF and the finalist proposers under the Vessel RFP on numerous aspects of engineering and design issues. More specifically, the Propulsion RFP requires the propulsion system contractor to develop a Construction Bid Support (CBS) package that will provide all technical data, engineering and support necessary for the Vessel RFP proposers to engineer, design, and produce biddable technical proposals.

Additionally, under the Technical Specifications in the Propulsion RFP, WSF requires the propulsion system contractor to become an integral part of the WSF project team during Phase II of the Vessel RFP. For example, Section 12.0, On-Site Support, requires the propulsion system contractor to provide (in Section 12.2) a Project Manager and an Engineering Liaison. Quoting Section 12.2, page 77, lines 29-32: "The Engineering Liaison shall provide answers to the Shipyard Proposers questions and review up to three (3) Shipyards Technical Proposals on at least three (3) occasions during the Shipyard Phase II portion of the New 130 Auto Ferry Contract." As such, the propulsion system contractor will have direct access to other Vessel RFP proposals prior to final selection of a vessel design-build contractor.

Furthermore, the propulsion system contractor will have access to WSF project information, early knowledge of propulsion system issues and greater access to all aspects of the propulsion system design, all of which are competitive advantages not available to the other Vessel RFP proposers. Finally, knowing that the propulsion system contractor was also preparing a proposal for the Vessel RFP could undermine other Vessel RFP proposers' confidence and trust in the CBS package.

Under the described circumstances, it is imperative that the exchange of information and data between WSF and the propulsion contractor, and between the propulsion contractor and the Vessel RFP proposers, must be full, complete and unbiased; and thereby free from any apparent and/or perceived conflicts of interest.

Therefore, WSF hereby advises all interested parties that WSF will not allow any entity, including, but not limited to, divisions and/or affiliates thereof, to remain in competition as a proposer for the Vessel RFP if and when it is awarded the Propulsion System Contract. The potential for real and/or perceived conflicts of interest is too great and is not acceptable. If any subcontractor, supplier, and/or designer is proposed for participation in both RFPs, WSF will, in its sole discretion, review the potential conflict of interest on a case-by-case basis."

(END)